

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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IN RE PLATINUM AND PALLADIUM COMMODITIES  
LITIGATION

Notice of Appeal

10 cv 3617 (WHP)

THIS DOCUMENT RELATES TO ALL ACTIONS

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NOTICE IS HEREBY GIVEN that Plaintiff-Intervener Susan Levy in the above-named case hereby appeals to the United States Court of Appeals for Second Circuit from the Order granting Preliminary Approval of the Class Action Settlement and denying Plaintiff-Intervener Susan Levy's motion to intervene as of right or by permission entered in this action on the 15<sup>th</sup> Day of July, 2014.

Ms. Levy appeals from each and every relevant portion of the Final Order denying her right to intervene as a Class Member and appeals from the Order *inter alia* on the grounds that: (1) Under the Fifth Amended Complaint, no Long Platinum holders who traded in the Net Loss Periods are Class representatives who will stand to recover any damages under the Plan of Allocation rendering the Settlement deficient and requiring intervention on behalf of the Net Loss Subclass, (2) Because the alleged Sixth Amended Complaint has never been filed and/or published on the Docket Sheet for the Southern District of New York, there appears to be no Long Platinum Class Representatives in the NL period who are recovering under the Plan of Allocation also rendering the settlement a nullity *ab initio*, and (2) The recovery to the Net Loss Sub-class members of 1.2% of the gross recovery is too low to pass muster which will be further diminished when attorneys fees are also deducted, and Ms. Levy wishes to intervene on behalf of

the NL subclass that is being discriminated against by only receiving 10% of the gross proceeds of the settlement, whereas the other sub class in the Net Artificiality Period or ("NAP") subclass will stand to receive 90% of the settlement proceeds, thus demonstrating discrimination and subordination of the NL subclass. Both subclasses should be treated with parity.

/s/ Susan Levy, Esq.



Attorney for Plaintiff Pro Se

Susan Levy, Esq.

40 East 10<sup>th</sup> Street

Suite 2K

New York, New York 10003

Tel: (212) 962-1782

Fax: (212) 962-3711